

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JEROME FORD,

Petitioner,

v.

//

CIVIL ACTION NO. 1:14CV69
(Judge Keeley)

RUSSELL A. PERDUE, Warden,
MR. WEAVER, Health Service
Administrator, EDDIE ANDERSON,
Doctor, MS. BRANNAN, Health Service
Clerk/Assistant, MR. NOLTE,
CHARLES E. SAMUELS, JR., Director of
BOP, NEWTON E. KENDIG, Medical
Director, MS. HALL, Nurse, ANDREA
SMITH POSEY, Nurse, MS. CARSON,
Nurse, DR. KIM, Clinic Director/Doctor,
MS. GROOVE, Nurse/Health Services Admin.
Assistant, MS. LEHMANN,

Respondents.

ORDER DENYING AS MOOT AND DISMISSING
PETITION FOR WRIT OF MANDAMUS [DKT. NO. 1]

On April 17, 2014, the petitioner, Jerome Ford ("Ford"), filed his petition for writ of mandamus pursuant to 28 U.S.C. § 1361 seeking to force the Bureau of Prisons to give him therapy and nerve medication for his injured finger (Dkt. No. 1). On June 18, 2014, the Honorable John S. Kaull, United States Magistrate Judge, filed his Report and Recommendation ("R&R"), in which he recommended that the Court deny Ford's petition because his right to relief is not clear and indisputable, and because he failed to exhaust his administrative remedies prior to filing suit (Dkt. No.

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16). On July 10, 2014, Ford filed his objections to the R&R (Dkt. No. 18).

On September 3, 2014, prior to the Court's review of the R&R and objections, the Bureau of Prisons released Ford from its custody. As a consequence, the relief sought by Ford can no longer be provided. Accordingly, the Court **DENIES AS MOOT** and **DISMISSES** Ford's petition **WITHOUT PREJUDICE** (Dkt. No. 1). Further, the Court **DIRECTS** the Clerk to terminate the R&R currently pending on the docket (Dkt. No. 16).

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record and the pro se petitioner by certified mail, return receipt requested, to enter a separate judgment order, and to remove this case from the Court's active docket.

DATED: March 18, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE